

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
FLORENCE DIVISION

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Melissa A. Knight,

Plaintiff,

v.

Carolyn W. Colvin,  
Commissioner of Social Security,

Defendant.

Civil Action No. 4:11-2252-SB

**ORDER**

This matter is before the Court upon counsel for the Plaintiff's motion for an award of attorney's fees pursuant to 42 U.S.C. § 406(b) in the amount of \$15,152.20, which represents 25 percent of the \$60,608.80 that the Commissioner recently awarded the Plaintiff in back Title II benefits. This Court previously awarded the Plaintiff \$5,613.56 in attorney's fees under the Equal Access to Justice Act ("EAJA"), which will be refunded to the Plaintiff if the Court approves counsel's request for fees pursuant to section 406(b). The Commissioner filed a response to counsel's motion for fees indicating that she has "no position" regarding the request.

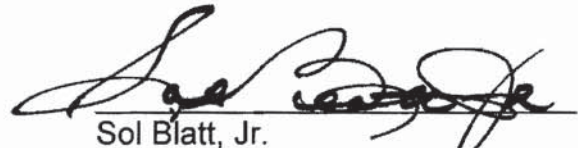
After consideration, the Court finds that counsel's request for \$15,152.20 in attorney's fees, which represents 25 percent of the Plaintiff's past-due benefits, is reasonable and appropriate. Again, the Court notes that counsel must refund to the Plaintiff the \$5,613.56 in EAJA fees previously awarded. See Gisbrecht v. Barnhart, 535 U.S. 789, 796 (2002) (noting that fees may be awarded under both EAJA and section 406(b) but that the claimant's attorney must refund to the claimant the amount of the smaller fee) (internal quotations and citation omitted).

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Based on the foregoing, it is hereby

**ORDERED** that counsel's motion for attorney's fees pursuant to section 406(b)  
(Entry 44) is granted.

**AND IT IS SO ORDERED.**



Sol Blatt, Jr.  
Senior United States District Judge

February 4, 2014  
Charleston, South Carolina

